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ABSTRACT

During the past five years, postsecondary student assistance programs administered by the Office of Education have enabled an estimated nine million students to receive a postsecondary education who might otherwise have been unable to do so. These programs include the Federally Insured Student Loan program, the National Direct Student Loan program, the College Work-Study program, and the Basic and Supplemental Educational Opportunity programs, all established by Title IV of the Higher Education Act of 1965 as amended in 1972. Recently, the Federal government has favored a policy of increased reliance on state agencies to provide improved postsecondary student consumer protection in the operation of the financial aid programs (with regard to institutional practices and occasional instances of impropriety or educational malpractice). The major purpose of the study outlined will be to provide an accurate appraisal of the current status of state authorization and oversight of the programs, especially as these provide institutions with eligibility to participate in them. (Author/MSE)

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STUDY DESIGN AND ANALYSIS PLAN

A REVIEW OF STATE OVERSIGHT IN POSTSECONDARY EDUCATION

Jack A. Hamilton
Steven M. Jung
Jeanette D. Wheeler

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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29 October 1976

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B. Catalog Form for Laws, Regulations, and Policies

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Purpose of the Study

The Problem

During the past five years, postsecondary student assistance programs administered by the U.S. Office of Education (USOE) have enabled an estimated nine million students to receive a postsecondary education who might otherwise have been unable to do so. These programs include the Federally Insured Student Loan (FISL) program, the National Direct Student Loan (NDSL) program, the College Work Study (CWS) program, and the Basic and Supplemental Educational Opportunity Grant (BEOG, SEOG) programs, all established by Title IV of the Higher Education Act of 1965 as amended in 1972. During the same period, federal expenditures for these programs have exceeded eight billion dollars.

In essence, the 1965 Act as amended stipulates that a public or private (non-profit or proprietary [incorporated as profit-seeking]) school can be made eligible to participate in the federal assistance programs if that school: (1) offers a bachelor's degree, associate degree, or occupational preparation program of sufficient length; (2) is legally authorized to operate by the state in which it is located; and (3) is accredited by a private accrediting body officially recognized and listed by USOE, is recognized by a state approval agency (under the Mondale amendment, for public vocational schools), or is awarded special accreditation by the Commissioner of Education in cases where appropriate private accrediting bodies or state agencies do not yet exist.

Ultimately, institutional eligibility determinations are made by USOE's Division of Eligibility and Agency Evaluation (DEAE),[1] Bureau of Postsecondary Education, which reviews an institution's application for eligibility to insure that federal statutory requirements have been satisfied. Specific eligibility determinations for individual assistance programs are performed

[1] Formerly and still widely known as the Accreditation and Institutional Eligibility Staff (AIES). DEAE is also responsible for administering the process by which accrediting agencies secure initial and continued USOE official recognition and listing.

according to additional statutory regulations applicable to each program. For example, over 8,300 postsecondary institutions are recognized as eligible for participation in the Federally Insured Student Loan Program, which is the largest of the five USOE-administered programs listed above.

As might be expected with programs involving the distribution of large amounts of money, problems have developed with the operation of the financial aid programs, specifically the eligibility for these programs. Some of these problems are related to operational policies and practices of certain post-secondary institutions which are eligible to participate in these programs. Occasional incidents of impropriety and educational malpractice have become apparent in all three major categories of postsecondary institutions: proprietary, private non-profit, and public schools. These incidents have involved cases of fraud, deception, and lack of minimally adequate disclosure of relevant facts to students (See Helliwell & Jung, 1975).

The federal government's awareness of the need to protect the student consumers of education has been slow in developing, perhaps because of the lack of clearly specified governance responsibilities in postsecondary education, an area reserved by the Constitution to the states. Historically, the major statutory safeguard against institutional abuse of federally-aided students has been that eligibility to participate in student assistance programs is granted only to those institutions which meet the minimal standards of the three "tripartite" elements: states, non-governmental accreditation bodies, and the federal government. In practice, and as recently summarized by the Federal Interagency Committee on Education (FICE, 1975), the federal approach has been to promote the "regulatory" functioning of the other two members of the tripartite system -- the states and the non-governmental accreditation bodies.

Recently, the federal government has favored a policy of increased reliance

on state agencies to provide improved postsecondary student consumer protection; for example, the Veterans Administration (VA) places almost total reliance on state agencies to investigate and approve instructional programs for veterans' benefits. Commenting on the policy of USOE, Herrell (1974) has pointed out that "one salient advantage in using State agencies, when they are efficient and effective, is that they generally can provide closer surveillance and oversight, and can react more quickly, than can a regional or national organization or agency (p. 24)." The qualifier "when . . ." in the sentence above suggests that not all states are viewed as performing the consumer protection function satisfactorily.

Notwithstanding this observation, representatives of the states believe that USOE should rely on state participation more strongly. Strengthening states' licensing or approval and enforcement capabilities is thus a popular theme in improving postsecondary education consumer protection. States are seen as the "triad" member with the major responsibility for governing postsecondary education. If they could perform their regulatory functions better, then the cause of consumer protection would be advanced significantly. Former Commissioner of Education Bell stressed this in his testimony before the Federal Trade Commission. In a section which presented USOE's efforts to strengthen the state approval process he noted that ". . . the issues that confront us today include not only the development of [state] regulatory laws, but also how such laws are administered and enforced." (1974, p. 7.) A prerequisite for any systematic federal attempt to provide assistance to the states is a comprehensive understanding of the current status of and perceived needs for improving state laws, regulations, and enforcement mechanisms.

Approach

The major purpose of this study is to provide an accurate appraisal of the current status of state authorization and oversight, especially as these

function to provide institutions with eligibility to participate in USOE-administered assistance programs. The study will involve a comprehensive mail/telephone survey of all 50 states to gather documents (laws, regulations, policies) and other data on institutional oversight and enforcement mechanisms. Later, personal visits will be made to selected state agencies to collect anecdotal data and critical incidents on authorizing/oversight elements which seem to be particularly effective or ineffective in preventing institutional abuses of students. The AIR staff will also pay special attention to seeking and collecting suggestions from state officials on how USOE might provide assistance to them in better carrying out their authorizing/oversight responsibilities. Finally, AIR will develop procedures for allowing DEAE to maintain information on the current status of state laws, regulations, and enforcement mechanisms.

Advisory Panels

All plans for the study will be developed in cooperation with three nationally representative advisory groups. Two of them, a State Agency Advisory Panel (SAAP) and a Legal Affairs Advisory Panel (LAAP), will be formally empaneled. The SAAP will provide technical assistance in how to study the process of administering state oversight laws, including making specific recommendations regarding the appropriateness of state agency questionnaire items and desirable strategies for federal technical assistance to states. The SAAP members have also indicated their willingness to disseminate information about the project to their constituencies (formal or informal) such as the National Association of State Administrators and Supervisors of Private Schools (NASASPS), the National Association of School Approval Agents (NASAA), the Council of Chief State School Officers, etc.

The LAAP will furnish similar assistance in how to study the legal process that goes hand in hand with the process of administering state oversight laws.

In addition to advising on specific questionnaire items and on federal technical assistance strategies, LAAP members will help us insure that our coverage of state statutes, regulations, and policies/guidelines is as complete as possible. They will also advise on how best to abstract these documents. Members of the LAAP (also the SAAP) will assist us in judging the adequacy of existing state laws and practices affecting postsecondary education, and in recommending remedial legislation or policies to assist where gaps exist.

The third advisory body, a Research Advisory Group (RAG), will be asked to prepare written comments and criticisms in reaction to written and telephoned questions. All the groups will also be involved in the interpretation of the study results. The members of these groups are shown in Attachment F.

Surveying State Laws and Regulations

Obtaining Copies of State Approval Legislation and Regulations

A great potential exists for confusion in the organization and nomenclature of state agencies responsible for authorization and oversight of postsecondary institutions. Is an "approval" agency the same as a "licensing" agency? What is the difference between "chartering" and "licensing"? Does it matter if the state oversight agency is inside or outside the state department of education? How do "VA-approval" or "USOE-approval" relate to one another within a state?

In order to help resolve such questions, we will adopt a standard system of classifying and naming state agencies according to their function within the federal eligibility/consumer protection system. In this way we will be able to partially escape confusion stemming from: (1) other state-related functions irrelevant to this project which these agencies also carry out; (2) different names for the same functions in different states; and (3) combinations of separate functions within the same agency, or complex interrelationships among functions and agencies.

We will define the universe of postsecondary institutions in a state by first dividing it into two ownership/control types (publicly-supported and private) and two educational program types (degree offering and non-degree offering). A further division will be made between private non-profit and proprietary in the private sector. This will produce the matrix shown in Figure 1, in which each of the six cells may be expected to contain a non-overlapping set of postsecondary institutions.

EDUCATIONAL PROGRAM	OWNERSHIP/CONTROL		
	Public	Private	
		Non-profit	Proprietary (operated for profit)
Degree Granting			
Non-Degree Granting			

Figure 1: Control/Program Matrix for Classifying Postsecondary Institutions in a State

Postsecondary institutions will be defined as academic, vocational, technical, business, or professional schools, colleges, universities, or other organizations, offering resident or home study instruction or educational services, or credentials, (primarily to persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance) for attainment of educational, vocational, or professional objectives (Education Commission of the States, 1973). The intent will be to avoid inclusion of (1) institutions which offer essentially secondary-level or avocational/recreational instruction, and (2) apprenticeship and on-the-job training programs.

We will next develop a standard classification for types of state agencies, in which assigned names refer to the cell in Figure 1 over which they have some form of jurisdiction. Every state is expected to have at least one agency with jurisdiction over some combination of the six cells.

Finally, a standard classification system for types of state agency functioning will be developed, with the following assigned names and definitions:

(1) Chartering agency. For the private sector, meaning an agency which grants an organization very basic permission to operate using corporate but not educational standards. Kaplin (1975) reports that all states have an agency which performs this function, usually in the Secretary of State's office.

(2) Licensing and approving agency. Also for the private sector, meaning an agency which grants an institution permission to operate using educational rather than corporate standards. Millard (1976) reports that all but two states currently have agencies which perform this function.

(3) VA-approving agency. All sectors, meaning an agency which performs the VA-sponsored investigation and approval of educational programs as a prerequisite for enrolled veterans to receive VA benefits.

(4) Degree-granting authority. Degree offering sector, meaning an agency which authorizes educational services leading to the award of a degree. This authority may actually permit the operation of private degree-granting schools, thus becoming in our definition a licensing and approving authority.

(5) Mondale Amendment approval agency. Public, non-degree sector, meaning an agency which has been approved by DEAE, pursuant to section 438(b) of the Higher Education Act as amended by Public Law 92-318 (the "Mondale amendment") to approve public postsecondary vocational institutions for federal eligibility purposes. Twelve states currently have such agencies (AIES, 1975).

(6) Postsecondary education coordinating (1202) commission. All sectors, meaning an agency which has been designated by the state as a postsecondary education coordinating and planning commission, pursuant to section 1202 of the Higher Education Act as amended by Public Law 92-318. In some states, these commissions also have governing authority, usually for public institutions of higher education, thus becoming, in our definition, degree-granting authorities. Several states have not yet designated "1202" commissions.

We have already identified the agency in each state which performs these functions (with the exception of chartering, which involves non-educational agencies). Comprehensive State Information Forms (Attachment A) have been completed which contain the results of this research. These comprehensive forms will serve as our basic locator documents for the state agency survey to be discussed later; they will be updated as required if we discover errors or changes during the course of the study.

Several activities have already been conducted to obtain current copies of state laws, regulations, and written policies/guidelines. A letter of general notification about the project was sent from USOE to all state 1202 postsecondary coordinating commissions (or higher education governing boards, in those states without 1202 commissions). We have made contacts with a number of other

fruitful sources, including: NASASPS, especially regarding the private non-degree sector; the Florida Board of Independent Colleges and Universities, especially regarding the private degree-granting sector; and the federal Bureau of Health Manpower, especially regarding health professions training institutions. Informal telephone contacts were made with participants in the July 1976 Keystone Conference on State Agency Oversight of Postsecondary Education to request copies of laws, regulations, and policies.

On the basis of copies of state laws, regulations, and written policies/guidelines obtained from secondary sources and informal contacts, we have compiled a catalog using the format shown in Attachment B. Formal telephone contacts with state 1202 commissions have been made to: (1) verify the accuracy of the Comprehensive State Information Forms (Attachment A) and update or modify them as needed; and (2) allow direct contacts with heads of agencies in states for which gaps existed in the catalog (Attachment B). As a result of making these direct telephone contacts, we are satisfied that copies of virtually all existing and relevant laws, regulations, and policies have been obtained. In those states where it applies, constitutional provisions for state oversight will also be obtained.

Preparing Detailed Abstracts of and Categorizing State Laws and Regulations

Laws tend to be written in a language of their own -- a foreign tongue to non-attorneys. One of our preliminary tasks will be to "translate" obtained state laws and regulations by abstracting them and placing their contents into standard categories so that comparisons can be made among states and further analyses can be performed.

The products of AIR's current USOE/OPBE project will be used to define a set of "consumer abuse" areas based upon the 14 categories of potential consumer abuse identified by Jung, Hamilton, Helliwell, McBain, & Fernandes

(1975). Authorizing and oversight laws and regulations will be screened by staff who are experienced and trained to recognize the many possible legal words which refer to the same category of potential abuse. This initial step will produce a list which shows which states have laws and regulations in each category; for example, "these *N* states have laws which cover the topic of school refund policy." Table 1 contains the final set of categories to be used in the initial abstracting and categorizing of state laws and regulations.

The final step of categorizing requires inspection of the actual nature of legal wording in each category. In other words, if a state's law talks about refund policy, what does it say? This step requires a detailed inspection of the abstracted laws. We will begin with a simple compilation of the (translated) language in each category for each state law or regulation which has language in that category. We will then seek commonalities and successively derive subcategories until we have produced a set which will cover all of the existing possibilities. For refund policies, we might get such subcategories as:

(1) pro rata, enrollment time limit not specified;

(2) pro rata, during specified time limit;

(3) based on length of enrollment, with allowable retained fee;

(4) fair and equitable (not defined further);

(5) reasonable (not defined further); and

(6) a written policy (not defined further).

Our strategy will be to prepare essentially separate summaries for statutes and regulations and to key them to each other. This will make it possible to determine the locus of consumer protection concern (i.e., the legislature or the regulatory agency) by comparing the level of detail of the statutes with that of the regulations. In addition, our format will allow for "grandfather" provisions. Since many states have only recently begun to regulate institutions,

Table 1: Categories for Abstracting and Categorizing State Postsecondary Institution Authorizing and/or Oversight Laws and Regulations

1. Identification: Provide basic identifying information on statutes and regulations in the following format. Number documents for identification in later sections (AIR Internal control #)

   State name

   Statutes and Regulations (if there is more then one, provide information for each):

   Full name

   Short name

   Dates enacted and/or revised

   Basic purpose (summarized in 1-2 sentences)

2. Application: Define the types of institutions and/or programs to which the statutes and regulations apply.

   Summarize specific inclusions and/or exclusions

   Note special provisions or differentiations relating to: ownership status (public, private, proprietary, non-profit); accreditation; correspondence schools; out-of-state schools; and non-traditional schools.

3. Coverage: Provide information on consumer protection provisions of the statutes and regulations.

   Briefly summarize sections of the statutes or regulations relating to the areas listed below:

   a. Institutional purpose and governance
   b. Course length, content, goals, or objectives
   c. Degrees, diploma, or credential requirements
   d. Qualifications of instructional or administrative staff
   e. Facilities (including instructional and administrative facilities and equipment, housing or room/board facilities, health and safety requirements)
   f. Financial stability (including institutional performance bonds and financial record maintenance)
   g. Qualifications of potential students and orientation of entering students
   h. Public disclosure of material facts (including fees and content of enrollment agreement or contracts)
   i. Advertising or sales/recruiting practices (including minimum qualifications or licensing for sales representatives, and limitations on use of terminology such as "university," "approval," "admissions counselor," etc.)
   j. Student and personnel recordkeeping practices (including requirements for maintenance of students' records)
   k. Financial aid practices (including procedures for making loan awards and requirements for uniformity of fees charged and materials and services supplied)

l. Refund policies and practices
m. Placement/follow-through data collection practices from students, dropouts, graduates, employers
n. Other

4. Administration: Provide information on application and renewal procedures for authorization or licensure.

a. Administrative agencies and their consumer protection duties
b. Official evaluations of institutions or programs
c. Information or reports required
d. Authorization and/or renewal period
e. Fees
f. Temporary or conditional approval
g. Reasons for denial or revocation
h. Provisions for review
i. Other

5. Enforcement: Describe how statutes and regulations are enforced.

a. Enforcement agencies' duties, jurisdiction
b. Complaint handling procedures
c. Enforcement procedures or strategies
d. Sanctions or penalties
e. Provisions for review
f. Other

6. Other: List any other consumer protection features of the statutes or regulations that were not previously mentioned.

List any criteria relating to need.

most have grandfathered existing institutions into the regulations. In these states, the grandfathering has had the effect of removing some institutions from effective oversight.

The outcomes of these detailed abstracting and categorizing activities will be: (1) standardized abstracts of laws and regulations in all states (when the abstracts are completed, they will be reviewed by agency personnel in the states to ensure that they are accurate and comprehensive); (2) a basis for later scaling analyses; and (3) a document entitled Review and Synthesis of State Authorizing Laws and Regulations.

Comparing State Laws and Regulations

The abstracting tasks described above will provide a sound foundation for AIR staff to develop criteria which can be used to compare state laws and regulations.

An initial comparison will be made among states simply on the basis of whether or not their laws and regulations contain language in a particular category. Similarly, a more detailed comparison will be made based upon the content subcategories which evolve after the preliminary analyses within categories. In both of these comparisons, we will use the Model Legislation (ECS, 1973) as a "standard" against which the legislation of the 50 states will be compared.

We will also explore one further possible technique for establishing true "criteria," based on the subcategories of law content. This will be to utilize a scaling technique to produce quantitative scores along some dimension of "adequacy for protecting students from abusive practices." The probable need to compare equal absolute differences at various points in a range argues for expert subjective scaling transformed to standard scores. We will ask the SAAP members individually to scale the degree of consumer protection represented

by each subcategory. It will be made clear to them from what point of view they should react, for example: the view of the goals of the particular federal assistance program, the view of protecting the rights and privileges of students (citizens of the state) as consumers of the educational services, or the view of a state agency subject to the pressures of the political process in the state. We will develop a method (possibly some variation of Thurstone's paired comparisons) to permit the SAAP to make judgments with relative ease. Subsequent scaling techniques (equal-appearing intervals, summated ratings or cumulative scaling) will permit AIR staff to develop a scoring continuum which will meet the need to compare equal differences at various points along the score range. The ECS Model Legislation can provide anchor points on such a continuum.

Care will be taken, however, to avoid the impression that we are labeling certain states "inadequate" in certain consumer protection categories. State officials may rightly consider that "adequacy" is a function of their own unique situation and perceived needs; they may not take kindly any suggestion that the federal government is dictating "standards of adequacy" to them. Therefore, there will be no composite adequacy indicator for states, i.e., an overall state score. Rather, there will be ratings on the various categories of consumer protection effectiveness. Certain policies and practices may be more effective in one state's sector of postsecondary education than in another sector. We will take care to insure that the basic purpose of the scaling exercise is simply to suggest areas where states may want to consider modifications or improvements in their statutes or regulations.

Minimum standards for state authorizing and oversight regarding institutional consumer protection policies and procedures will be included as recommendations in the final report of this study. However, distinctions will be made between the various types of institutions (six sectors), and technical assistance strategies will be identified to help states implement each recommendation.

Surveying State Oversight and Enforcement Practices

We are also vitally interested in measuring, categorizing, synthesizing, and comparing the oversight and enforcement mechanisms which are actually practiced in the 50 states. None of these data will be gathered until the already obtained state laws and regulations have first been categorized, and synthesized, permitting us to be at least conversant with a state's statutes before we begin asking questions about how state personnel enforce the statutes. The process of categorizing, subcategorizing, synthesizing, and comparing oversight and enforcement practices will be similar to that described for laws and regulations on pages 9-14 of this report.

We plan to focus our contacts at this stage of the study on the named head of the state licensing and approving agencies in each state. These are the agencies which we feel are most likely to be concerned with matters of authorizing and overseeing schools in connection with institutional eligibility for participation in USOE student assistance programs and with consumer protection. We will also contact the state authorities responsible for degree granting authorization, especially in the private sector, since this function will overlap with the licensing and approving function in many states. Finally, we will take steps to contact the state Mondale Amendment approval agencies for public vocational schools, in those 12 states which have such agencies, since these agencies play a major role in providing institutional eligibility for USOE-administered student assistance programs.

We are proposing to minimize contacts with VA approving agencies except inasmuch as these agencies may in some states also carry out the licensing and approving function. We propose this for several reasons. First, there are already several published studies of the VA-supported course approval system (e.g., Educational Testing Service, 1973; Chapter H, Orlans, et al., 1974) and at least one on-going study (O'Neill, 1975). We currently see no

need to replicate these studies and limited need to update them. Second, the VA-supported system is not a part of institutional eligibility and consumer protection matters for USOE-administered student assistance programs. Representatives of the VA will, however, be kept briefed on the study as it progresses.

We also do not intend to contact state agencies which are responsible for the licensing or certifying of individuals for participation in certain jobs or professions. Such agencies may indirectly influence the conduct of instructional programs within their jurisdiction, but they are not likely to be concerned with institutional oversight for student consumer protection.

Obtaining Data on State Agency Oversight and Enforcement Practices

To obtain a complete set of raw data on state agency oversight and enforcement practices will require several coordinated efforts. The primary data collection form for the state agency survey is a questionnaire, entitled "Questionnaire for State Authorizing and/or Regulating Agency." There are three versions of it, one each applicable to: (1) private non-degree tions (or proprietary institutions, as appropriate); (2) private degree granting institutions; and (3) public degree and non-degree granting institutions. The appropriate versions of the questionnaire will be mailed to the named head of the state licensing and approving agency or agencies in each state, and to the named heads of the statewide governing agencies which have regulatory authority over public degree granting institutions.

All versions of the questionnaire have four sections. The first section contains structured and open-ended questions designed to elicit specific data on the actual institutional oversight mechanisms used by the agency as they relate to eligibility for federal assistance programs. Questions about essential agency functions, agency administrative structure and resources, standards used by the agency in authorizing or regulating institutions,

statutory or regulatory foundations for agency operations, agency forms and related administrative steps, school inspection practices, special cases in agency authorizing or oversight standards and procedures, a centralized system for handling student complaints, enforcement options, relationships with other agencies in the state, agency information dissemination practices, and agency procedures for maintaining open records and meetings are contained in this first section. Questions also are directed toward past modifications and any immediate plans the agency has for promoting statutory changes or making changes in oversight regulations or practices.

The second section concentrates on the degree to which the agency staff oversee specific institutional practices (e.g., refund policies and practices, advertising practices, disclosure in school documents, etc.) in areas which have been identified as potentially abusive to consumers by the current AIR consumer protection project. A list of these areas and some example practices is presented in Attachment C. Questions are asked in the following format: does your agency regulate this practice, and if so, how many of certain designated agency actions have occurred in the past year and in the five years previous to that?

The third section concentrates on obtaining ratings of preferred federal technical assistance strategies. The strategies presented range from no federal assistance through augmenting existing federal assistance to proposing new assistance programs or legislation. Space is provided for state officials to add their own top rated suggestions.

The final section is designed to obtain critical incidents (Flanagan, 1954) of particularly effective or ineffective aspects of the laws or oversight strategies in the state. This method of data collection has been shown to be particularly effective in both clarifying the meaning of abstract concepts and pointing out ways of better measuring these concepts (Jung, 1974). We believe that these critical incidents will prove useful to us in developing "adequacy" criteria for use in suggesting areas where states may want to consider modifi-

cations in their statutes or regulations.

Based on our review of a state's laws, regulations and the structure of its authorizing and oversight agency or agencies, each questionnaire will be modified slightly to make its wording appropriate to what we already know about the agency's oversight functioning. This review also will enable us to ask about possible uncodified standards which are enforced by "convention." Attachments D and E contain a basic version of the questionnaire for the private and public sectors. Each of the three versions will be clinically pilot tested by members of the SAAP and by state authorizing and oversight agency personnel in California and two other states. The intent of this pilot test is to clarify wording and insure ease of responding. Pilot test results will go into the final questionnaire revision.

The modified questionnaires will be submitted for Office of Management and Budget (OMB) clearance and mailed out to the head(s) of the designated agency or agencies in each state as soon as possible after OMB forms clearance is obtained. In our schedule, we have assumed that this mailing will occur at the middle of the sixth contract month. A cover letter will be enclosed explaining the purpose of the survey and providing a date and time when a telephone call will be made to them by a senior member of the AIR project staff. The cover letter will make specific reference to the sponsorship of the survey and will mention, if possible, endorsements of organizations such as NASASPS.

One week after the questionnaires have been mailed, AIR staff will begin telephoning the recipients. The purpose of these calls is to actually gather the questionnaire data from the agency head. This telephone method will preclude missing data through non-response or the return of questionnaires which are incomplete or which contain unclear answers. Since the caller will be an AIR staff person familiar with the laws of that state, this method will also allow additional probing to insure that all of the subtleties and

complexities peculiar to that state are grasped. Following these telephone contacts and completion of the questionnaires, the data will be tabulated, checked and prepared for analysis.

It is rarely possible to capture the essence of the operations of a government agency from outside, even when responses to a questionnaire are obtained by telephone calls. It is very important, then, for a survey of this kind to include a visit to the states. Two two-person AIR teams will each visit a sample of 10 states. In each of the 20 states to be visited, all heads of agencies with authorization/oversight responsibilities will be interviewed; an attempt will also be made to interview agency staff who have specific responsibilities for on-site inspections of institutional operating practices and educational programs. We intend to select the sample of states to be visited using factors derived from our preliminary analyses of authorizing laws and regulations and oversight practices.

Site interviews will be scheduled by telephone in advance. They will be open-ended, except that the interviewers will carry along copies of the Review and Synthesis of State Authorizing Laws and Regulations and the completed questionnaires for each agency where interviews are scheduled.

One portion of each interview will be devoted to in-depth collection of critical incidents of particularly effective and ineffective oversight functioning during the last year. Personal interviews are a more effective medium than questionnaires for critical incident collection because they almost always allow the interviewee to better describe the actual circumstances of the incident and its significance; the interview situation also allows more extensive probing to discover exactly why the interviewee believes the incident was effective/ineffective and how incidents like it might be encouraged/discouraged in the future. All interviewers to be assigned to this task are trained in the critical incident technique.

A second portion of each interview will be devoted to a discussion of the interviewee's perceived needs and expectations for technical assistance from the federal government.

Finally, an attempt will be made in all cases to check on the accuracy/completeness of the questionnaire data, including agency plans for changes in legislation and/or oversight practices, so that we may estimate the reliability inherent in the questionnaire data for all 50 states.

Following the visits to the 20 states, the obtained interview data will be tabulated, checked and made ready for analysis.

Synthesizing and Analyzing Data from the Telephone/Mail and Interview Survey

This synthesis and analysis will utilize the same general approach described earlier in this report in relation to the synthesis and analysis of data on state laws and regulations. For the development of subjective scaling procedures to apply to the categorized and subcategorized survey data, we will also make extensive use of the obtained critical incidents, in which specific oversight situations will have been identified as particularly effective or ineffective. Practices which appear frequently in effective or ineffective incidents will be weighted higher or lower, respectively.

Designing and Field Testing Instruments for Later Use of DEAE

Two instruments will be developed and field tested to allow DEAE to periodically update the data gathered in the mail/telephone survey of state oversight laws and practices. Design of the instruments will begin immediately following the completion of the state agency survey. Draft instruments will be reviewed by DEAE, OPBE, and the SAAP at their second meeting and by the members of the RAG, who will respond in writing. After this review, revisions and a limited field test will be carried out; the final questionnaires, along with detailed suggestions for their application and the analysis of their data, will be contained in the document DEAE Data Collection Strategies and Data Analysis Plan.

The first questionnaire will include revised versions of the three State Authorizing and/or Regulating Agency Questionnaires which will allow DEAE to continuously update the information provided by the mail/telephone survey conducted in this project. It will follow the same basic questionnaire design and analysis procedures described earlier in this report.

The second instrument will be a modified version of the Institutional Report Form (IRF) which has been developed and field tested by AIR as part of the current USOE/OPBE consumer protection project. The purpose of the IRF is to collect quantifiable data on the degree to which postsecondary institutions maintain certain policies and practices which have been identified as potentially abusive (see Attachment C). The new instrument, a State Agency Report Form (SARF), will be designed to collect quantifiable data on the extent to which state oversight agencies inspect and control these practices in the institutions over which they have jurisdiction.

Both the follow-up questionnaires and the SARF will be designed to fit a mailed administration and hand processing format, although it may be useful

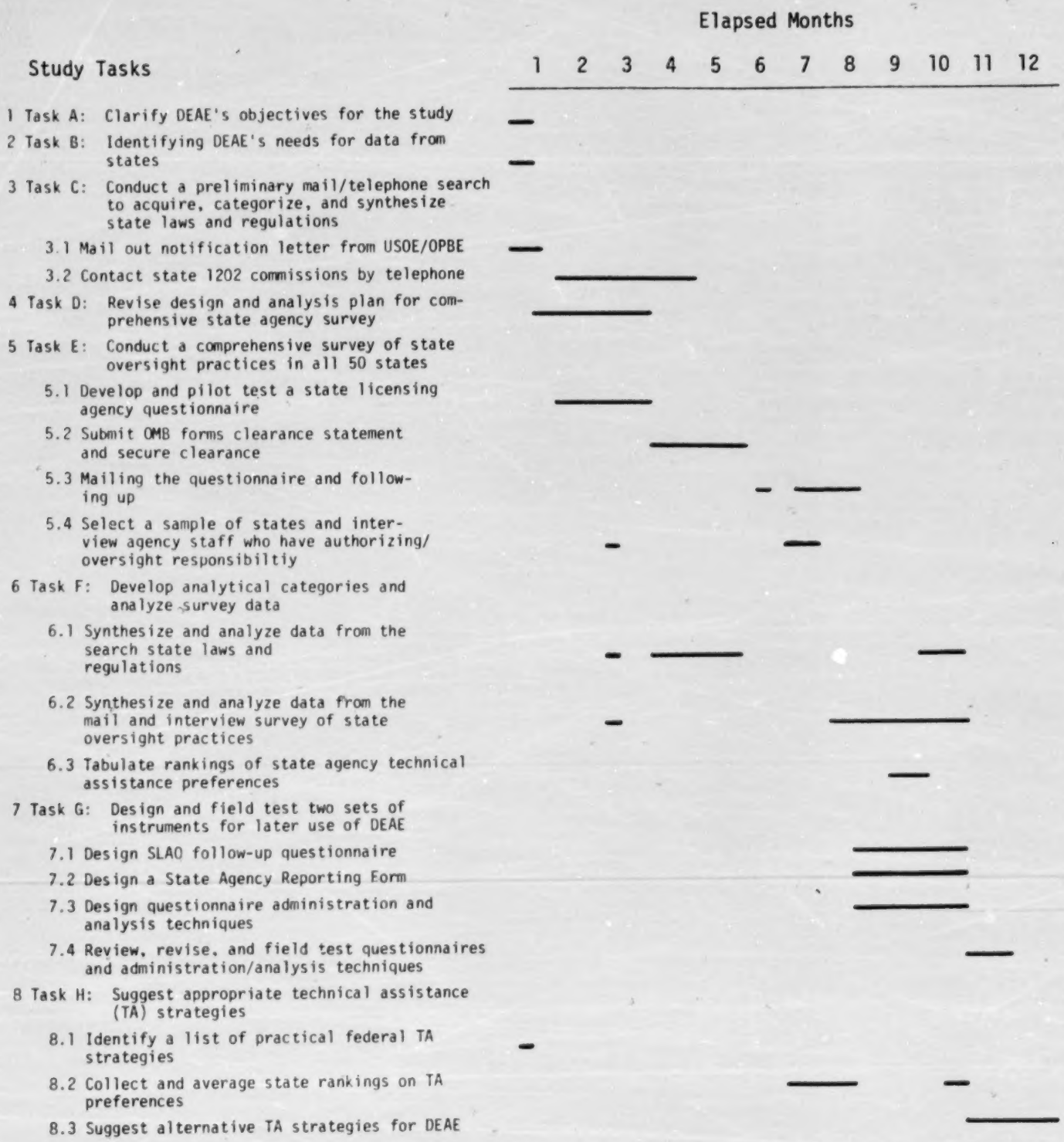
to consider personal interviews as an administration option for the SARF. In carrying out this task, careful attention will be paid to the DEAE mailing and processing capabilities which are likely to exist at the time follow-ups are going to be required. Suggested synthesis and analysis procedures will utilize the basic categories, subcategories, and scaling techniques already developed for the search for state laws and regulations and the survey of state oversight practices.

AIR personnel will work personally with DEAE staff to carry out a very limited field test, in which DEAE will actually mail out both questionnaires to three states; these states will be selected based upon the nominations of our SAAP to represent extremes of licensing and oversight stringency (e.g., high, medium, and low degrees of state regulation) so that the field test will contain adequate variance in the quantity of responses likely to be obtained. All required agency follow-up procedures and processing and analysis activities will also be carried out by DEAE and AIR staff working cooperatively.

Reporting

The results of the study, including all abstracts, summaries of the categorizations of state laws and regulations, summaries of the data from the telephone and interview survey of enforcement practices, and summary ratings of desired federal technical assistance strategies will be prepared in draft form by the end of the ninth contract month. Recommendations and conclusions will be added, after consultation with DEAE, OPBE, and the project advisory groups, to yield the final project technical report. This report will be available on or about the end of June 1977.

PROJECT TIME SCHEDULE


Elapsed Months
Study Tasks
1 2 3 4 5 6 7 8 9 10 11 12
1 Task A: Clarify DEAE's objectives for the study
2 Task B: Identifying DEAE's needs for data from states
3 Task C: Conduct a preliminary mail/telephone search to acquire, categorize, and synthesize state laws and regulations
3.1 Mail out notification letter from USOE/OPBE
3.2 Contact state 1202 commissions by telephone
4 Task D: Revise design and analysis plan for comprehensive state agency survey
5 Task E: Conduct a comprehensive survey of state oversight practices in all 50 states
5.1 Develop and pilot test a state licensing agency questionnaire
5.2 Submit OMB forms clearance statement and secure clearance
5.3 Mailing the questionnaire and following up
5.4 Select a sample of states and interview agency staff who have authorizing/oversight responsibiltiy
6 Task F: Develop analytical categories and analyze survey data
6.1 Synthesize and analyze data from the search state laws and regulations
6.2 Synthesize and analyze data from the mail and interview survey of state oversight practices
6.3 Tabulate rankings of state agency technical assistance preferences
7 Task G: Design and field test two sets of instruments for later use of DEAE
7.1 Design SLAO follow-up questionnaire
7.2 Design a State Agency Reporting Eorm
7.3 Design questionnaire administration and analysis techniques
7.4 Review, revise, and field test questionnaires and administration/analysis techniques
8 Task H: Suggest appropriate technical assistance (TA) strategies
8.1 Identify a list of practical federal TA strategies
8.2 Collect and average state rankings on TA preferences
8.3 Suggest alternative TA strategies for DEAE

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Attachment A

American Institutes for Research 5 August 1976

Comprehensive Information Form

Postsecondary Governance in _____

Authorizing/Oversight Agency Responsible for:	Name of head, address, phone #	Name of contact person, address, phone #, if other than head
Coordinating Postsecondary Institutions (1202 Commission)		
Public Degree Granting Institutions (graduate, 4 year, 2 year)		
Private Degree Granting Institutions (graduate, 4 year, 2 year)		
Public Non-degree Institutions (Diploma, Certificate Granting, Vocational/ Technical)		
Private Non-degree Institutions (Diploma, Certificate Granting, Vocational/ Technical)		
Specialized Private Vocational Institutions		
a. Cosmetology		
b. Barbering		
c. Health Fields		
d. Other		
State Approval Agency for the Veterans' Administration		

Catalog Form for Laws, Regulations, Policies in: _____

	Public Degree Granting Institutions	Private Degree Granting Institutions	Public Non-Degree Institutions	Private Non-Degree Institutions	Specialized Private Vocational Institutions			
					a. Cosmetology	b. Barbering	c. Health Related	d. Other
LAWS AIR internal control #: Title: Dated: Current?:	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no
REGULATIONS AIR internal control #: Title: Dated: Current?:	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no
POLICIES AIR internal control #: Title: Dated: Current?:	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no	__yes __no
FOLLOWUP CONTACTS Date Call Made: Contact Person: Materials Requested: Materials Received:								

Attachment B

Admission Practices

1. Institution employs admissions representatives whose compensation or salary is dependent wholly or in part on direct commissions based on number of students enrolled.

2. Institution does not have a written policy governing recruiting and/or admission practices.

3. Written recruiting/admissions policy does not contain:

   (a) any prohibitions against unethical practices such as the "bait and switch" or the "negative sell";

   (b) a requirement that all prospective students talk to a representative of the institution at the school prior to enrolling; or

   (c) a requirement that all enrollees sign an agreement which describes complete costs, payment requirements, and educational services to be provided by the institution.

4. Institution does not provide remedial instruction in basic skills for students who are admitted without meeting stated admissions requirements.

D. Instructional Staff Evaluation Policies

1. Teaching competence is not included as one criterion in formal salary and/or tenure and/or rank review policies.

2. Evaluations of teaching competence do not include regular, anonymous ratings by students.

E. Disclosure in Written Documents

1. Failure to disclose any of the following in a general catalog, bulletin, or other basic information document:

   (a) name and address of school.

   (b) date of publication of the document.

   (c) school calendar including beginning and ending dates of classes and programs, holidays, and other dates of importance.

   (d) a statement of institutional philosophy.

   (e) a brief description of the school's physical facilities.

   (f) an accurate list of all courses actually offered.

   (g) an indication of when specific required courses will <u>not</u> be offered.

   (h) educational content of each course.

   (i) number of hours of instruction in each course and length of time in hours, weeks or months normally required for its completion.

(j) an accurate listing of faculty who currently teach.

(k) an indication of the distinction between adjunct or part-time faculty and full-time faculty.

(l) policies and procedures regarding acceptability of credits from other institutions.

(m) general acceptability by other institutions of credits earned at this institution.

(n) requirements for graduation.

(o) statement of certificates, diplomas, or degrees awarded upon graduation.

(p) statement of all charges for which a student may be held responsible.

(q) financial aid programs actually available to students.

(r) limitations on eligibility for financial aid programs.

(s) grading system.

(t) policies relating to:

(1) tardiness
(2) absences
(3) make-up work
(4) student conduct
(5) termination
(6) re-entry after termination

(u) student fee increases in excess of $25 that are planned within the next year.

(v) for student loan applicants:

(1) the effective annual loan interest rate
(2) loan repayment obligations
(3) loan repayment procedures
(4) time allowed for repayment
(5) deferment or cancellation provisions, if any
(6) collection procedures which might be applied in the event of failure to repay

F. Student Orientation Procedures

1. The institution does not conduct a formal orientation program for newly enrolled students.

2. Failure to include in this orientation the following:

(a) oral presentations or written documents prepared by students who have been previously enrolled at the institution.

(b) instructions on how and where to voice student complaints and grievances.

(c) information on how and where to apply for student financial aid.

G. Job Placement Services and Follow-Through

1. In the event the institution claims to have a job placement service, this service does not include the following apsects:

   (a) notification of fee charged, if this is the case.

   (b) formal training in job-seeking and job-holding skills.

   (c) contacting prospective emp'oyers to develop potential jobs.

   (d) making job interview appointments for individual students, including those seeking part-time employment and recent graduates.

2. In the event the institution claims to have a job placement service, the service is confined only to such services as distributing "Help wanted" ads from newspapers or referral to a commercial placement service.

3. The institution does not regularly collect follow-up data on the employment success of former students who did not graduate, recent graduates, and/or longer term graduates.

H. Recordkeeping Practices

1. The institution does not maintain the following items in its individual student records:

   (a) total fees paid by the student.

   (b) courses taken and completed.

   (c) academic credits, grades earned.

   (d) financial aid amounts, including loans, if any, actually received by student and date of his/her receipt.

2. Institution does not have a written policy and actual procedures for maintaining individual student access to records for a period of at least two years following his/her departure from the institution, regardless of the operating status of the institution.

I. Turnover of Instructional Staff

1. Instructional staff are repeatedly replaced, in the same sections/courses, after instruction has begun.

2. Instructional staff are replaced in two or more sections/courses after instruction has begun.

J. Representation of Chartered, Approved, or Accredited Status

1. The institution fails to disclose to students and prospective students the fact(s) of limitation(s) or sanction(s) for noncompliance with designated standards imposed by local, state, or federal government agencies, if any exist.

2. The public representations of the institution fail to distinguish between (e.g., list separately, with appropriate explanations) institutional accreditation, specialized or professional program accreditation, state VA-approving agency course approval, and state chartering and licensing, if any are present.

K. Financial Stability

1. If the institution is not publicly-supported, it does not have the following:

   (a) an endowment or retained earnings fund to pay current operating expenses if they are not covered by student tuition receipts.

   (b) a reserve of funds sufficient to pay out tuition refunds as students make legitimate requests for them.

2. The institution's financial records and reports are not annually subjected to a certified audit.

L. Instructional Programs in Occupational, Professional Preparation Areas

1. The institution does not maintain curriculum advisory committees which include representatives of potential employers in each occupational/professional area for which instruction is offered.

2. The institution does not provide the following, when they are required for employment of graduates in an occupational/professional area:

   (a) specialized/professional program accreditation.

   (b) training in the use of basic tools and equipment.

   (c) internships and/or supervised practice on the job.

   (d) internships and/or supervised practice in simulated job situations.

   (e) instruction on topics necessary for state or professional certification of graduates.

3. The institution does not require a biannual review of the relevance and timeliness of occupational/professional curricula.

M. Instructional Equipment and Facilities in Occupational/Professional Preparation Areas

1. The institution does not maintain advisory committes on instructional equipment and facilities which include representatives of potential employers in each occupational/professional area for which instruction is offered.

2. The institution does not annually budget and expend funds for replacing worn or outdated instructional equipment in each occupational/professional area for which instruction is offered.

AMERICAN INSTITUTES FOR RESEARCH
IN THE BEHAVIORAL SCIENCES
P.O. Box 1113, 1791 Arastradero Rd., Palo Alto, Ca. 94302 ● 415/493-3550

Survey of State Oversight in Postsecondary Education

Questionnaire for State Authorizing and/or Regulating Agency for Private Non-degree Institutions

The purpose of this survey is explained in the attached cover letter. This questionnaire is designed to gather a standardized set of data from agencies in all 50 states. Data are requested regarding your state's policies and practices for authorizing the operation of and/or overseeing *private postsecondary institutions which do not offer associate, bachelors or graduate degrees* (or *which are incorporated as profit-seeking*, as appropriate). You are requested not to try to complete this questionnaire now; you will be telephoned by an AIR staff member at (time to be completed) on (date to be completed). At that time, the questions which follow will be asked and your responses and comments will be recorded. If this time is inconvenient for you, or if you would like us to contact someone else to record the questionnaire responses, please call Ms. Jeanette Wheeler, collect, at (415) 493-3550.

This questionnaire is only for your information and familiarization prior to the telephone call.

Thank you for your assistance.

An Equal Opportunity Employer

QUESTIONNAIRE FOR STATE AUTHORIZING AND/OR REGULATING AGENCY FOR PRIVATE NON-DEGREE INSTITUTIONS

(or PROPRIETARY INSTITUTIONS, as appropriate)

A. Agency Functions

1. Does this agency perform or participate in any of the following functions? (check all that apply)

___ a. chartering (Awarding a permit or charter to operate; i.e., a business permit, business license, corporate charter, etc.)

___ b. institutional authorizing (Granting an institution initial permission to offer educational services within this state; may also be called initial licensing, initial registering, initial approving, initial accrediting, or performance bonding, depending on the state. Does not include simple chartering.)

___ c. institutional regulating (Granting an educational institution continuing permission to offer educational services; includes overseeing, or monitoring, functions, and the authority to prescribe or proscribe the policies and practices of institutions already operating in this state. May also be called continuing approval, registration, licensing, accreditation, depending on the state.)

___ d. course or program authorizing (Granting an already authorized institution initial permission to offer a specific educational program or course of studies.)

___ e. course or program regulating (Granting an already authorized educational institution continuing permission to offer a specific educational program or course of studies.)

NOTE: If you did not check any of the above functions, you may discontinue completion of this questionnaire. If you did check one or more of the above functions, please continue.

2. What additional functions are performed by this agency? (check all that apply)

___ a. Veteran's Administration course or program approval of eligibility for veteran's benefits

____ b. certifying eligibility for state scholarship, grant, loan, or other student assistance programs

____ c. granting licenses or performance bonds for salespersons, agents, or other commercial representatives of institutions

____ d. approval of specialized or professional programs of study, such as nurse education, teacher education, etc.

____ e. other (please describe) _____

_____

_____

_____

3. Approximately how many institutions are authorized, regulated, or otherwise overseen by this agency for each of these functions?

	a. authorizing and/or regulating function	# of schools
	(1) chartering (business permit)	_____
	(2) institutional authorizing	_____
	(3) institutional regulating	_____
	(4) course authorizing in that institution	_____
	(5) course regulating in that institution	_____
	b. additional functions	
	(1) VA course approval in that institution	_____
	(2) certifying institutional eligibility	_____
	(3) salesperson bonding in that institution	_____
	(4) specialized program approval in that institution	_____

4. What were the sources of this agency's revenue in 1976?

		Revenues
a.	State General Fund	$_____
b.	school licensing or approval fees	_____
c.	VA	_____
d.	other state sources (describe)	_____
e.	other sources (describe)	_____
	Total Revenues	$_____

5. How many persons (average FTE) were employed by this agency in 1976?

# of persons (average FTE) _____

NOTE: For the remainder of this questionnaire, we are concerned only with that part of this agency's operations which concern the functions of chartering, institutional and course authorizing, and institutional and course regulation (item 3a). VA course approval and the other functions listed above (item 3b) are not of further interest.

6. What percentage of the following resources was devoted to the chartering, authorizing, and/or regulating functions in 1976?

	Percentage of total agency
a. agency revenue in 1976	_____ %
b. agency staff (average 1976 FTE)	_____ %

7. Do staff of this agency require an institution to meet any quantitative or qualitative educational standards to receive initial authorization to operate in your state, or to maintain its authorization once granted?

8. If the answer to 7 is yes, what are the statutory or regulatory bases for these standards? Do we have or can we get copies?

a. Initial authorization?

b. Oversight of authorized institutions/programs?

9. Have any changes taken place in the institutional authorizing and/or oversight statutes or regulations under which your agency operates during the past five years? If yes, please describe.

a. Motivation for the change(s)?

b. Initiated by whom?

c. Perceived barriers to the change?

d. Any use of Education Commission of the States Model Legislation in this process?

10. How does your agency proceed with establishing new regulations, guidelines, or rules? Please describe.

a. Is legal counsel involved in writing rules for authorizing, regulating, revoking, etc.?

b. Are affected institutions allowed or encouraged to speak at hearings on rules?

c. Can institutions provide input into developing criteria for authorizing and regulating standards?

d. Any use of Advisory Boards or Groups? Are school representatives included in these Boards or Groups?

11. List the forms which institutions or educational programs your agency authorizes or regulates are required (by law, regulation, or policy/guideline) to complete. Do we have or can we get copies?

Authorizing Forms	Oversight Forms
_____	_____
_____	_____
_____	_____
_____	_____

12. For each of the forms you listed in Item 11, describe the administrative steps associated with the institution's requesting it, completing it, submitting it, review by your agency, and possible decision alternatives by your agency depending on information received.

Form (title) _____

Steps: a. _____

b. _____

c. _____

etc.

Form (title) _____

Steps: a. _____

b. _____

c. _____

etc.

Form (title) _____

Steps: a. _____

b. _____

c. _____

etc.

Form (title) _____

Steps: a. _____

b. _____

c. _____

etc.

13. Are on-site school visitations or inspections made? If no, please go on to question 16. If yes, please answer questions 14 and 15 if they apply.

14. Describe the purposes and frequency of authorizing site visits.

a. By whom are the site visits made?

b. What is the level of education/experience of the site-visit teams?

c. What is the average duration of the site visit?

d. What is the source of revenue for defraying the costs of staff time and travel? Estimate percentages if necessary.

____School % ____V.A. % ____State % ____other %

15. Describe the purposes and frequency of oversight site visits.

a. By whom are the site visits made?

b. What is the level of education/experience of the site-visit teams?

c. What is the average duration of the site visit?

d. What is the source of revenue for defraying the costs of staff time and travel? Estimate percentages if necessary.

____School % ____V.A. % ____State % ____other %

16. Is there any distinction in your agency's authorizing or oversight standards and procedures for:

a. accredited schools or programs, as opposed to schools or programs that have not been so accredited? If so, please describe.

b. schools or programs which offer a "nontraditional" educational program (e.g., individual learning programs, flexible instructional schedules, etc.)? If so, please describe.

c. private out-of-state programs or institutions that operate in your state? Please describe.

d. private programs or institutions originating in your state that operate out-of-state? Please describe.

17. Is there a prescribed procedure for investigating and/or prosecuting (informally or formally in an administrative proceeding or formally in a court of law) possible violations by institutions of state laws and regulations? If so, please describe the function of the following:

a. State Attorney General's Office

b. State Office of Consumer Affairs

c. Your agency's staff

d. State-prescribed hearing requirements

18. Is there a centralized system or procedure for handling written or verbal complaints from students (or parents, teachers, etc.) about schools or programs over which your agency exercises authority? If yes, does it include:

a. any formal notifications by your agency to accrediting agencies, state consumer affairs offices, USOE, etc.?

b. a requirement that the complaining party file a formal written notice of the complaint before it can be investigated?

c. a method for bringing class action suits by students?

d. authorization for students (or their legal representatives) to have access to your agency's records for bringing suits?

19. Has your agency received any student (or parent, teacher, etc.) complaints about institutions or programs over which it has authority in the past year? If yes, about how many?

a. Into which of the following categories do the complaints fit? Estimate percentages if necessary.

(1) refund practices _____%
(2) advertising practices _____%
(3) recordkeeping practices _____%
(4) financial stability _____%
(5) instructional staff _____%
(6) disclosure in written documents _____%
(7) instructional programs _____%
(8) admission practices _____%
(9) other (please describe) _____%

b. Of the complaints received by, or referred to, your agency in 1976, how many: were not followed up? were followed up and resolved informally? were submitted for formal investigation and resolution through hearing/court procedure? Estimate percentages if necessary.

20. In investigations, what information is collected by state agencies? by institutions?

21. Who pays for investigations? Is legal counsel used to prepare cases? What is the source of legal counsel?

22. Please describe the formal and informal relationships between your agency and the following state government agencies or bodies.

a. Office of the Governor
b. Legislative Body
c. Attorney General's Office
d. Office of the Secretary of State
e. Office of Consumer Affairs
f. Veterans Administration approving agency (or agencies)
g. State Department of Education
h. State Postsecondary Education Coordinating (1202) Commission (if any)
i. State Governing Board for Postsecondary or Higher Education (if different from h)
j. State Planning Board for Postsecondary or Higher Education (if different from h or i)
k. Similar government agencies in other states for the purpose of school or program approvals or inspections

23. Please describe the formal and informal relationships between your agency and the following non-governmental agencies or bodies.

a. Specialized school or program accrediting bodies
b. Better Business Bureaus
c. State associations of school administrators, operators, owners, etc.
d. Consumer interest groups

24. Does your agency have any specific procedures for receiving advice or assistance from the following? Please describe.

a. Members of the general public
b. Specific educational Advisory Boards or Groups
c. Students or student associations
d. Legal associations

25. Does your agency have any specific procedures for disseminating information to the general public about the schools over which it exercises authority? If so, please describe. Do we have or can we get representative copies?

26. Approximately how many public requests for information were received in the past year? How were they handled? Do you supply any of the following?

a. Lists of approved schools?

b. Information about schools suspended or authorizations to operate revoked?

c. Other information about school policies or status?

d. Information about student consumer rights?

27. Does your agency ever disseminate information to other government agencies or accrediting bodies? Formally or informally?

a. In your state?

b. To other states?

c. To the federal government (e.g., DEAE/USOE when an institution's authorization is revoked thereby removing one of the essential elements in maintaining its eligibility for Federal Student Aid funds)?

28. Does your state have a public meeting/open records act or similar "sunshine" law? If so, what is its effect on your operations; that is, to what extent have the laws been interpreted to apply to state authorizing and oversight functions (e.g., is a site visit report a public document?)?

29. Must schools notify your agency if there is a change in school ownership? How is "ownership change" defined? Does an ownership change effect a school's status with regard to authorization to operate?

B. Institutional Policies and Practices Which Have Potential for Educational Consumer Abuse

1. Please indicate whether or not your agency oversees each of the following specific institutional practices which have been identified as potentially abusive to students. Check those which <u>are</u> overseen or monitored.

____ a. Institutional refund policies and practices (If a school requires prospective students to pay tuition, room and board charges, or application fees before starting classes, it has a reasonable and fair policy for refunding these charges.)

____ b. Advertising practices (An institution does <u>not</u> use fraudulent or misleading advertising about its courses or programs to attract students.)

____ c. Admission policies (A school does <u>not</u> "pressure" prospective students into enrolling through unscrupulous recruiting practices.)

____ d. Disclosure in documents (A school furnishes students and prospective students with a catalog, or other booklet that serves as a catalog, providing essential information on the school's courses/programs and related educational policies.)

____ e. Institutional staff stability (A school does <u>not</u> make a practice of continually replacing its instructors after a course or program has begun.)

____ f. Financial stability (An institution undergoes regular certified audits and maintains sufficient reserve funds to meet standard contingencies such as tuition refund requests.)

____ g. Instructional programs and facilities (An institution keeps its occupational preparation curricula and facilities current through the use of advisory committees and regular reviews.)

____ h. Recordkeeping practices (A school maintains standard kinds of academic information on its students, and ensures the availability of these records.)

2. In each instance where your staff does have oversight responsibility, indicate on the next page <u>how many</u> times each designated action has occurred in the past year (1976) and in the previous five years (1971-1975).

Type of Abuse	Years	# of Agency Actions Taken									# of Court Actions Taken					
		Investigations	Informal hearings	Formal administrative hearings	Denial of license	Revocation of license	Cease and desist orders	Referral to other state agencies, e.g., Attorney General	Initiated Court Action	Other	Injunctive Relief	Cases dismissed	Stipulations	Findings for Agency	Findings for Institution	Other
Refund Practices	1976															
	71-75															
Advertising Practices	1976															
	71-75															
Recordkeeping Practices	1976															
	71-75															
Financial Stability	1976															
	71-75															
Instructional Staff Stabil.	1976															
	71-75															
Disclosure in Documents	1976															
	71-75															
Instructional Programs	1976															
	71-75															
Admission Practices	1976															
	71-75															
Other _____	1976															
_____	71-75															
Total	1976															
	71-75															

D-11

C. Desired Assistance from the Federal Government (Especially USOE)

Please rate each of the possible federal assistance strategies shown on the list below according to their potential benefit for your agency. Use a scale of from 1 to 5, where 1 = no potential benefit, 2 = small, 3 = moderate, 4 = high, and 5 = great potential benefit for your agency.

____ 1. No Federal assistance is needed

____ 2. Establish a Federal centralized clearinghouse for school information.

____ 3. Create an office in USOE to handle liaison with state agencies.

____ 4. Establish a program for the Federal government to match state monies spent to install or augment certain educational consumer protection mechanisms.

____ 5. Provide Federal operating funds to states for carrying out certain institutional inspection functions to certify institutional eligibility for Federal student assistance programs. (VA Model)

____ 6. Provide research and development funds for supporting research on topics of interest to states.

____ 7. Provide research and development funds to states for developing a state plan to carry out school inspection functions.

____ 8. Provide operating funds to create a state ombudsman's office for handling educational consumer complaints in postsecondary education.

____ 9. Propose new Federal legislation to extend the Mondale Amendment to private institutions in states which are willing to pass minimum standards for educational consumer protection.

10. Award funds to independent contractors for preparation of inservice education programs on the following topics:

    ____ a. developing staff for school inspection functions

    ____ b. case studies based on experience of other states

    ____ c. explanation of how to apply ECS model legislation to your state

    ____ d. hold state/regional or national communication conferences

11. Other possible strategies not listed above:

    ____ a. _____

    ____ b. _____

    ____ c. _____

    ____ d. _____

D. Critical Incidents

Please respond to the following by briefly describing incidents which have been particularly effective or ineffective in dealing with institutional abuse of students in your state.

1. Preventing Potential Abuses to Students

   a. Think of a time during the last year when you participated in or became aware of a successful effort by your agency to prevent the potential abuse of students by a school

      What were the circumstances?

      How and when did it come to your attention?

      Why did you think (a) student(s) was (were) being abused?

      What type of school was involved?

      What did your agency do?

      Why do you feel the effort was successful?

   b. Think of a time during the last year when you participated in or became aware of an unsuccessful effort by your agency to prevent the potential abuse of students by a school

      What were the circumstances?

      How and when did it come to your attention?

      Why did you think (a) student(s) was (were) being abused?

      What type of school was involved?

      What did your agency do?

      Why do you feel the effort was unsuccessful?

2. Correcting Actual Abuses to Students

   a. Think of a time during the last year when you participated in or became aware of a successful effort by your agency to correct the actual abuse of a student by a school.

      What were the circumstances?

      How and when did it come to your attention?

      Why did you think (a) student(s) was (were) being abused?

      What type of school was involved?

      What did your agency do?

      Why do you feel the effort was successful?

b. Think of a time during the last year when you participated in or became aware of an unsuccessful effort by your agency to correct the actual abuse of a student by a school.

What were the circumstances?

How and when did it come to your attention?

Why did you think (a) student(s) was (were) being abused?

What type of school was involved?

What did your agency do?

Why do you feel the effort was unsuccessful?

AMERICAN INSTITUTES FOR RESEARCH
IN THE BEHAVIORAL SCIENCES
P.O. Box 1113, 1791 Arastradero Rd., Palo Alto, Ca. 94302 ● 415/493-3550

Survey of State Oversight in Postsecondary Education

Questionnaire for State Governing Agency for Public Degree and Non-degree Granting Institutions

The purpose of this survey is explained in the attached cover letter. This questionnaire is designed to gather a standardized set of data from officials in all 50 states. Data are requested regarding your state's policies and practices for authorizing the operation of and/or overseeing *public postsecondary institutions*. You are requested not to try to complete this questionnaire now; you will be telephoned by an AIR staff member at (time to be completed) on (date to be completed). At that time, the questions which follow will be asked and your responses and comments will be recorded. If this time is inconvenient for you, or if you would like us to contact someone else to record the questionnaire responses, please call Ms. Jeanette Wheeler, collect, at (415) 493-3550.

This questionnaire is only for your information and familiarization prior to the telephone call.

Thank you for your assistance.

An Equal Opportunity Employer

QUESTIONNAIRE FOR STATE AUTHORIZING AND/OR REGULATING AGENCY FOR PUBLIC DEGREE AND NON-DEGREE GRANTING INSTITUTIONS

A. Governing Agency Functions

. Does this agency perform or participate in any of the following functions? (check all that apply)

____ a. institutional authorizing (Includes chartering or other legal authorization for institutions to offer educational services, courses, programs, or degrees at the postsecondary level.)

____ b. institutional governing and/or regulating (Granting an existing postsecondary institution continuing permission to offer educational services; includes overseeing, or monitoring, functions and the authority to prescribe or proscribe the policies and practices of institutions already operating in this state.)

____ c. course or program authorizing (Granting an already authorized institution initial permission to offer a specific educational program or course of studies.)

____ d. course or program governing and/or regulating (Granting an already authorized educational institution continuing permission to offer a specific educational program or course of studies.)

____ e. certifying eligibility for federal student assistance programs (Mondale amendment certification for public vocational training schools)

NOTE: If you did not check any of the above functions, you may discontinue completion of this questionnaire. If you did check one or more of the above functions, please continue.

2. What additional functions are performed by this agency? (check all that apply)

____ a. Veteran's Administration course or program approval of eligibility for veteran's benefits

____ b. certifying eligibility for state scholarship, grant, loan, or other student assistance programs

____ c. approval of specialized or professional programs of study, such as nurse education, teacher education, etc.

____ d. statutory responsibility for planning for public postsecondary institutions or programs

____ e. statutory responsibility for coordinating for public postsecondary institutions or programs

___ g. statutory authority for budgetary review and recommendations for public postsecondary institutions or programs

___ h. other (please describe) _____

_____

_____

_____

3. Approximately how many institutions are authorized, regulated, or otherwise overseen by this agency for each of these functions?

	# of schools
a. authorizing and/or governing function	
(1) institutional authorizing	_____
(2) institutional regulating or governing	_____
(3) course authorizing	_____
(4) course regulating or governing	_____
(5) certifying institutional eligibility (federal)	_____
b. additional functions	
(1) VA course approval	_____
(2) certifying institutional eligibility (state)	_____
(3) specialized program approval	_____
(4) planning, coordinating and/or budget review	_____

4. How many persons (average FTE) were employed by this agency in 1976? How many of these are employed in the functions listed in item 3a above? Estimate percentage if necessary.

NOTE: For the remainder of this questionnaire, we are concerned only with that part of this agency's operations which concern the function of institutional and course authorizing and institutional and course governing (item 3a). VA course approval and other functions listed above (item 3b) are not of further interest.

5. Do staff of this agency require an institution to meet any quantitative or qualitative educational standards to maintain its authorization once granted?

6. If yes, what are the statutory or regulatory bases for these standards? Do we have or can we get copies?

7. Is there any distinction in your agency's authorizing or oversight standards and procedures for:

a. accredited schools or programs, as opposed to schools or programs that have not been so accredited? If so, please describe.

b. schools or programs which offer "nontraditional" educational programs (e.g., individual learning programs, flexible instructional schedules, external degree programs, etc.)? If so, please describe.

c. institutional practices affecting state residents as opposed to those affecting non-residents? If so, please describe.

d. public out-of-state programs or institutions which operate in your state? Please describe.

e. public programs or institutions from your state which operate out-of-state? Please describe.

f. public schools or programs which offer specialized vocational courses or programs to their students by contracting with private occupational institutions? Please describe.

8. Is there a centralized system or procedure for handling written or verbal complaints from students (or parents, teachers, etc.) about schools or programs over which your agency exercises authority? If yes, does it include:

a. any formal notifications by your agency to regional accrediting agencies, state consumer affairs offices, etc.?

b. a requirement that the complaining party file a formal written notice of the complaint before it can be investigated?

c. a method for bringing class action suits by students?

d. authorization for students (or their legal representatives) to have access to your agency's records for bringing suits?

9. Has your agency received any student (or parent, teacher, etc.) complaints about institutions or programs over which it has authority in the past year? If yes, about how many?

a. Into which of the following categories do the complaints fit? Estimate percentages if necessary.

(1) refund practices ____%
(2) advertising practices ____%
(3) record-keeping practices ____%
(4) financial stability ____%
(5) instructional staff ____%
(6) disclosure in written documents ____%
(7) instructional programs ____%
(8) admission practices ____%
(9) other (please describe) _____%

b. Of the complaints received by, or referred to, your agency in 1976, how many: were not followed up? were followed up and resolved informally? were submitted for formal investigation and resolution through hearing/court procedure? Estimate percentages if necessary.

10. In investigations, what information is collected by state agencies? by institutions?

11. Who pays for investigations? Is legal counsel used to prepare cases? What is the source of legal counsel?

12. Please describe the formal and informal relationships between your agency and the following state government agencies or bodies.

a. Office of the Governor
b. Legislative Body
c. Attorney General's Office
d. Office of the Secretary of State
e. Office of Consumer Affairs
f. Veterans Administration approving agency
g. State Department of Education
h. State Postsecondary Education Coordinating (1202) Commission (if any)
i. State Governing Board for Postsecondary or Higher Education (if different from h)
j. State Planning Board for Postsecondary or Higher Education (if different from h or i)
k. Similar government agencies in other states for the purpose of school or program approvals or inspections

13. Please describe the formal and informal relationships between your agency and the following non-governmental agencies or bodies.

a. Regional school accreditation bodies
b. Specialized school or program accrediting bodies
c. State associations of school administrators, operators, owners, etc.
d. Consumer interest groups

14. Does your agency have any specific procedures for receiving advice or assistance from the following? Please describe.

a. Members of the general public
b. Specific educational Advisory Boards or Groups

c. Students or student associations

d. Legal associations

15. Does your agency have any specific procedures for disseminating information to the general public about the schools over which it exercises authority? If so, please describe. Do we have or can we get representative copies?

16. Approximately how many public requests for information were received in the past year? How were they handled? Do you supply any of the following?

a. Lists of approved schools?

b. Information about schools suspended or authorizations to operate revoked?

c. Other information about school policies or status?

d. Information about student consumer rights?

17. Does your agency ever disseminate information to other government agencies or accrediting bodies? Formally or informally?

a. In your state?

b. To other states?

c. To the federal government (e.g., DEAE/USOE when an institution's authorization is revoked thereby removing one of the essential elements in maintaining its eligibility for Federal Student Aid funds)?

18. Does your state have a public meeting/open records act or similar "sunshine" law? If so, what is its effect on your operations; that is, to what extent have the laws been interpreted to apply to state authorizing and oversight functions (e.g., is a site visit report a public document?)?

B. Institutional Policies and Practices Which Have Potential for Educational Consumer Abuse

1. Please indicate whether or not your agency oversees each of the following specific institutional practices which have been identified as potentially abusive to students. Check those which <u>are</u> overseen or monitored.

____ a. Institutional refund policies and practices (If a school requires prospective students to pay tuition, room and board charges, or application fees before starting classes, it has a reasonable and fair policy for refunding these charges.)

____ b. Advertising practices (An institution does <u>not</u> use fraudulent or misleading advertising about its courses or programs to attract students.)

____ c. Admission policies (A school does <u>not</u> "pressure" prospective students into enrolling through unscrupulous recruiting practices.)

____ d. Disclosure in documents (A school furnishes students and prospective students with a catalog, or other booklet that serves as a catalog, providing essential information on the school's courses/programs and related educational policies.)

____ e. Institutional staff stability (A school does <u>not</u> make a practice of continually replacing its instructors after a course or program has begun.)

____ f. Financial stability (An institution undergoes regular certified audits and maintains sufficient reserve funds to meet standard contingencies such as tuition refund requests.)

____ g. Instructional Programs and facilities (An institution keeps its occupational preparation curricula and facilities current through the use of advisory committees and regular reviews.)

____ h. Recordkeeping practices (A school maintains standard kinds of academic information on its students, and ensures the availability of these records.)

2. In each instance where your staff does have oversight responsibility, indicate on the next page <u>how many</u> times each designated action has occurred in the past year (1976) and in the previous five years (1971-1975).

Type of Abuse	Years	# of Agency Actions Taken						
		Investigations	Informal hearings	Formal administrative hearings	Denial of initial course/ program authorization	Revocation of course/ program authorization	Referral to other state agencies, e.g., Attorney General	Other _____
Refund Practices	1976							
	71-75							
Advertising/ Promotional Practices	1976							
	71-75							
Recordkeeping Practices	1976							
	71-75							
Instructional Staff	1976							
	71-75							
Disclosure in Documents	1976							
	71-75							
Instructional Programs	1976							
	71-75							
Admission Practices	1976							
	71-75							
Other _____	1976							
_____	71-75							
Total	1976							
	71-75							

C. Desired Assistance from the Federal Government (Especially USOE)

Please rate each of the possible federal assistance strategies shown on the list below according to their potential benefit for your agency. Use a scale of from 1 to 5, where 1 = no potential benefit, 2 = small, 3 = moderate, 4 = high, and 5 = great potential benefit for your agency.

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____ 2. Establish a Federal centralized clearinghouse for school information.

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    ____ c. explanation of how to apply ECS model legislation to your state

    ____ d. hold state/regional or national communication conferences

11. Other possible strategies not listed above:

    ____ a. _____

    ____ b. _____

    ____ c. _____

    ____ d. _____

D. Critical Incidents

Please respond to the following by briefly describing incidents which have been particularly effective or ineffective in dealing with institutional abuse of students in your state.

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   a. Think of a time during the last year when you participated in or became aware of a successful effort by your agency to prevent the potential abuse of students by a school

      What were the circumstances?

      How and when did it come to your attention?

      Why did you think (a) student(s) was (were) being abused?

      What type of school was involved?

      What did your agency do?

      Why do you feel the effort was successful?

   b. Think of a time during the last year when you participated in or became aware of an unsuccessful effort by your agency to prevent the potential abuse of students by a school

      What were the circumstances?

      How and when did it come to your attention?

      Why did you think (a) student(s) was (were) being abused?

      What type of school was involved?

      What did your agency do?

      Why do you feel the effort was unsuccessful?

2. Correcting Actual Abuses to Students

   a. Think of a time during the last year when you participated in or became aware of a successful effort by your agency to correct the actual abuse of a student by a school.

      What were the circumstances?

      How and when did it come to your attention?

      Why did you think (a) student(s) was (were) being abused?

      What type of school was involved?

      What did your agency do?

      Why do you feel the effort was successful?

b. Think of a time during the last year when you participated in or became aware of an unsuccessful effort by your agency to correct the actual abuse of a student by a school.

What were the circumstances?

How and when did it come to your attention?

Why did you think (a) student(s) was (were) being abused?

What type of school was involved?

What did your agency do?

Why do you feel the effort was unsuccessful?

Attachment F

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